

CITY COUNCIL AGENDA

FEBRUARY 19, 2002

SYNOPSIS

LINDA J. LE ZOTTE
FORREST WILLIAMS
CINDY CHAVEZ
CHUCK REED
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER
GEORGE SHIRAKAWA, JR.
DAVID D. CORTESE
JOHN DIQUISTO
PAT DANDO

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Economic and Neighborhood Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Recreation and Cultural Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Aviation Services*** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

- **Call to Order and Roll Call**
9:30 a.m. - Closed Session, Room 600, City Hall
Cancelled.

1:30 p.m. - Regular Session, Council Chambers, City Hall
Absent: Council Members – None.

7:00 p.m. - Public Hearings, Council Chambers, City Hall
Absent: Council Members – None.
- **Invocation (District 2)**
Joey Alsup, Charmaine Farmer, Samantha Maciel, and Yha'Mourhia Wright, representatives from the Leadership class at Santa Teresa High School read an essay by Michael Brown, entitled “*What is an American?*”
- **Pledge of Allegiance**
Santa Teresa High School Leadership Class led in the Pledge of Allegiance.
- **Orders of the Day**
Approved.

1 CEREMONIAL ITEMS

- 1.1 Presentation of a commendation to the Central Valley Raptors Boys Under 12 Soccer Team. (Yeager)
This Item Heard in the Evening.
Council Member Yeager joined Mayor Gonzales at the Podium to honor the Northern California State Championship Soccer Team and the coaches. Council Member Yeager presented commendations to the Central Valley League team and Mayor Gonzales congratulated the athletes on their outstanding achievements.
- 1.2 Presentation of a commendation to Enrique Flores, Diversity Director and Assistant Admissions Director at Bellarmine College Preparatory. (Campos)
(Rules Committee referral 2/13/02)
This Item Heard in the Evening.
Mayor Gonzales and Council Member Campos invited the honoree to the Podium and introduced his parents, who were asked to stand and be recognized. Mayor Gonzales presented the commendation to Enrique in recognition of the outstanding achievements as a role model for the youth of San Jose, and Council Member Campos thanked the honoree for his dedication and contributions to the City of San José.

2 CONSENT CALENDAR

2.1 Approval of Minutes.

Recommendation: Approval of City Council Minutes for:

- (a) Regular meeting of August 28, 2001
Approved.
- (b) Joint City Council/Redevelopment Agency Board meeting of August 28, 2001
Approved.
- (c) General Plan meeting of August 28, 2001
Approved.

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances:

- (a) ORD. NO. 26573 – Rezones certain real property situated at the southwest corner of Almaden Avenue and Oak Street. PDC 01-07-080
Ordinance No. 26573 adopted.
- (b) ORD. NO. 26574 - Rezones certain real property situated at the northwest corner of Bassett and San Pedro Streets. C 01-10-094
Ordinance No. 26574 adopted.

2.3 Approval of an agreement to conduct customer surveys and focus groups at the Airport.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Evans/McDonough Company, Inc. to conduct customer surveys and focus groups at the Norman Y. Mineta San José International Airport for the period of March 1, 2002 through June 30, 2002, with three (3) one-year options to extend on a fiscal year basis to June 30, 2005, for a total amount not to exceed \$356,000, subject to annual appropriation of funding for each option year. (Airport)

Resolution No. 70835 adopted.

Staff was directed (1) to submit the questions/contents of the customer surveys to Council for review prior to the actual execution of the plan; (2) to ensure in-depth information is reflective of neighborhoods surrounding the Airport and communities heavily impacted by Airport activity and that all concerns are addressed and the information utilized by Staff in the measurement process; and (3) if possible, utilize random samplings of door-to-door outreach efforts as well as telephone canvassing techniques to collect and compile information, and to integrate the current with any new information obtained, resulting in the very best design for the Airport.

2 CONSENT CALENDAR

2.4 Approval of City Auditor's travel.

Recommendation: Approval of City Auditor Gerald Silva's travel calendar through June 30, 2002, at an estimated cost to the City of approximately \$1,185. Funding: Non-personal budget. (City Auditor)

Approved.

2.5 Approval of open purchase orders for the purchase of supplies, materials, equipment, and services.

Recommendation:

- (a) Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2001-2002 #22, and authorization for the Director of General Services to execute the purchase orders. (General Services)

Approved.

- (b) Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2001-2002 #23, and authorization for the Director of General Services to execute the purchase orders. (General Services)

Approved.

2.6 Adoption of a resolution approving the second amendment to the agreement for the lease of used shuttle buses for the Airport.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute the second amendment to the agreement with Penske Truck Leasing Co., L.P., to exercise the final year option for the lease of 17 used shuttle buses for the Norman Y. Mineta San José International Airport and amend the monthly rate for the final four months of the term of the lease from \$3,713 to \$1,713. CEQA: Resolution No. 67380. (General Services/Airport)

Resolution No. 70836 adopted.

2.7 Adoption of a resolution eliminating the maximum single-family home value for Housing Rehabilitation Program eligibility.

Recommendation: Adoption of a resolution eliminating the maximum single-family home value for Housing Rehabilitation Program eligibility. (Housing)

Resolution No. 70837 adopted.

Council approved the elimination of the maximum single-family home value for Housing Rehabilitation Program eligibility with the Housing Advisory Commission recommendation that the data is analyzed and included in the Housing Department's quarterly report to the Economic and Neighborhood Development Committee.

2 CONSENT CALENDAR

2.8 Approval of agreements for the Coyote-Alamitos Canal Trail.

Recommendation:

- (a) Approval of an agreement for consultant planning and design services with Amphion Environmental Inc. for the Coyote-Alamitos Canal Trail Feasibility Study for basic services compensation in the amount of \$199,645, and additional services in the amount of \$24,850, for a total agreement amount not to exceed \$224,495. Council Districts 2 and 10. (Public Works)

Approved.

- (b) Approval of an agreement for survey and preliminary engineering services with Nolte Associates Inc. for the Coyote-Alamitos Canal Trail Survey for basic services compensation in the amount of \$137,818, and additional services in the amount of \$19,384, for a total agreement amount not to exceed \$157,202. Council Districts 2 and 10. (Public Works)

Approved.

Council approved the agreements for the Coyote Alamitos Canal Trail with direction to Staff to coordinate with Council Member Dando, District 2, and Council Member Williams, District 10, the scheduling of community meetings.

END OF CONSENT CALENDAR

3 STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session Mayor Gonzales, Chair No Report.

3.2 Report of the Rules Committee – February 6, 2002 Vice Mayor Shirakawa, Jr., Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
The Redevelopment Agency items to be reported out at Redevelopment Agency Board meeting.

- (b) City Council
(1) Review February 19, 2002 Draft Agenda
The Committee approved the February 19, 2002 City Council Agenda with one addition.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – February 6, 2002 – (Cont'd.) Vice Mayor Shirakawa, Jr., Chair

- (2) Add New Items to February 12, 2002 Amended Agenda
The Committee added one item to the February 12, 2002 City Council Agenda.
- (c) City Council Committees
 - (1) Amendments to Council Committee Agendas
 - (a) Finance and Infrastructure Committee
 - (b) Economic Development and Environment Committee
 - (c) Education, Neighborhoods, Youth, and Seniors Committee**None Filed.**
- (d) Meeting Schedules
None Presented.
- (e) The Public Record
The Committee referred Item (a) – *Request to Address Council from Sparky Cohen Regarding Coed Sunday FUN Softball League Use of Hathaway Park* – to the Education, Neighborhoods, Youth and Seniors Committee (ENYS). The Committee also directed Staff to present information to ENYS regarding (1) the number and types of leagues the public park system supports; (2) emerging trends and needs; (3) a map of the City denoting the location of parks and fields; (4) how long the parks or fields have been used by individuals/groups; and (5) the difference between regional and local parks' funding. The Committee noted and filed the Public Record for the period January 23-29, 2002.
- (f) Boards, Commissions and Committees
None Presented.
- (g) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee
None Presented.
- (h) Administrative Reviews and Approval
 - (1) Approve the recommended City position of support for Proposition 45 on the March 2002 State Ballot
With Member Chavez dissenting, the Committee recommended a *No Position (Neutral)* on Proposition 45.
 - (2) Report on workload assessment to draft an ordinance detailing the appropriate placement of utility boxes in the downtown area
The Committee accepted the report.

3 STRATEGIC SUPPORT SERVICES

3.3 Report of the Rules Committee – February 6, 2002 – (Cont'd.) Vice Mayor Shirakawa, Jr., Chair

- (i) Oral Communications
None Presented.
- (j) Adjournment
The meeting was adjourned at 2:30 p.m.

The Rules Committee Report and actions of February 6, 2002 accepted with Council Member Reed voting in opposition to the recommended *No Position (Neutral)* on Proposition 45, Item 2.2(h).

3.4 Report of the Finance and Infrastructure Committee Council Member Dando, Chair No Report.

3.5 Appointments to the Project Diversity Screening Committee.

Recommendation: Approval of three appointments to the Project Diversity Screening Committee and designation of the committee chair. (Mayor)
(Rules Committee referral 2/13/02)
Deferred to 02/26/02.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.1 Report of the Economic Development & Environment Committee – February 4, 2002

Council Member Williams, Chair

- (a) Office of Economic Development Semi Annual Report: July 1 to December 31, 2001
- (b) Workforce Investment Act Program 2nd Report
- (c) Downtown Housing Report
- (d) Monthly Status Report on Housing Production Team Action Items
- (e) Monthly Report on Affordable Housing Production
- (f) Quarterly Report on the Project Development Program
- (g) Quarterly Report on the Housing Rehabilitation Program
- (h) Second Quarter Report on the Housing and Homeless Fund

The Committee accepted the reports identified in Item 4.1(a) through (h).

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.1 Report of the Economic Development & Environment Committee – February 4, 2002 – (Cont'd.)

Council Member Williams, Chair

- (i) Request for Approval to Reschedule April 1, 2002 Economic Development and Environment Committee meeting to April 8, 2002

The Committee accepted Staff's request to reschedule the April 1, 2002 Committee meeting to April 8, 2002.

- (j) Oral petitions
None Presented.

- (k) Adjournment
The meeting was adjourned at 2:58 p.m.

The Economic Development & Environment Committee Report and actions of February 4, 2002 accepted with the Administration directed to submit with the Workforce Investment Network report to Rules Committee on February 27, 2002 (1) a report on the percentage of funds allocated to support dislocated Airport workers or the hard-to-place workers; and (2) to report back to Council on the estimated number of jobs created and estimated number of individuals that have been employed using the Network Program; and (3) submit a status report on day laborer issues, including a timeline for implementing an appropriate strategy.

4.2 Approval of various actions related to the Evans Lane Family Apartments.

Recommendation: Adoption of a resolution:

- (a) Approving business terms for acquisition/predevelopment financing of up to \$15,686,250, comprised of an acquisition/predevelopment loan of up to \$12,926,250, and a conditional grant of up to \$2,760,000, to Community Home Builders and Associates, or its designated affiliate for the development of the Evans Lane Family Apartments, a 240-unit development affordable to extremely low-, very low-, and low-income households, on a total of 6.21 acres located at 1848 Evans Lane.
- (b) Approving a funding commitment for a Construction Loan of up to \$19,395,949 for the development.
- (c) Approving a funding commitment of up to \$15,662,809 for a Permanent Loan for the development.
- (d) Finding that the use of 20% Housing Funds for the project is of benefit to the Redevelopment Project Areas in San José.

Council District 6. (Housing)

Resolution No. 70838 adopted.

5 RECREATION & CULTURAL SERVICES

- 5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee
Council Member Chavez, Chair
No Report.**

- 5.2 Acceptance of the Parks and Recreation and Branch Library Bond Projects
quarterly report.**

Recommendation: Acceptance of staff's quarterly status report on the Parks and Recreation and Branch Library Bond Projects. (City Manager's Office)

Council accepted the Quarterly Report.

- 5.3 Approval to award a contract for the O'Connor Park Development Project.**

Recommendation: Report on bids and award of contract for the O'Connor Park Development Project to the low bidder, HRB Construction, Inc., to include the base bid and Add Alternate Nos. 1, 2, and 3 in the amount of \$437,515, and approval of a contingency in the amount of \$45,000. CEQA: ND. Council District 6. SNI: Burbank/Del Monte. (Public Works)

Approved.

- 5.4 Approval of a master agreement for the Sports Complex for the Singleton Bond Project.**

Recommendation: Approval of a master agreement for design and programming consultant services with Callander Associates, Inc. for the Sports Complex for the Singleton Bond Project from the date of execution through June 30, 2005, in an amount not to exceed \$1,700,000. (Public Works)

Approved.

- 5.5 Approval of actions related to skate parks.**

Recommendation:

- (a) Direction to staff to earmark \$1 million dollars of Proposition 12 monies for the development and construction of a large, regional skate park (as previously approved by City Council) to be located at Lake Cunningham Regional Park;
- (b) Direction to staff to identify and earmark funds in the Fiscal Year 2002-03 budget to satisfy the minimum requirements for the matching dollars needed to apply for the Proposition 12 Grant and report back to Council within 30 days;
- (c) Additionally, direction to staff to work with each City Council Office to assess:
 - (1) Type of skate parks most appropriate for each Council District;
 - (2) Land use opportunities (vacant City owned parcels, vacant privately owned parcels, existing, City facilities, etc.) to house additional skate parks, whether for regional or neighborhood use;
 - (3) Breadth of funding sources available to finance construction.

[Education, Neighborhoods, Youth and Seniors Committee referral 1/28/02 – Item 5.1(c)]

Council approved actions related to Skate Parks.

6 TRANSPORTATION SERVICES

6.1 Approval of an agreement for public education services for the Traffic Calming Program.

Recommendation: Adoption of a resolution authorizing the City Manager to:

- (a) Negotiate and execute an agreement with Liquid Agency, Inc. to develop and assist in implementing public education and awareness services for the period March 1, 2002 to March 1, 2003, as part of the City's Traffic Calming Program, in an amount not to exceed \$316,000; and
- (b) Negotiate and execute an agreement with Liquid Agency, Inc. to provide media purchasing for public education and awareness services for the period March 1, 2002 to March 1, 2003, as part of the City's Traffic Calming Program, in an amount not to exceed \$529,394.

(Transportation)

(Deferred from 2/12/02 – Item 6.1)

Resolution No. 70839 adopted.

Council approved the recommendations contained in the February 12, 2002 memorandum from Mayor Gonzales and Council Members Reed, Yeager, Chavez and Dando regarding Traffic Calming Public Education and Awareness.

7 ENVIRONMENTAL & UTILITY SERVICES

7.1 Approval of various actions related to landscape irrigation improvements for use of recycled water.

Recommendation: Adoption of a resolution:

- (a) Authorizing the City Manager to negotiate and execute an agreement with the City of Santa Clara for the construction of landscape irrigation improvements at four publicly owned facilities within the City of Santa Clara, by contractor(s) selected and retained by San José, at a cost not to exceed \$432,000, and providing for the construction of landscape irrigation improvements at additional City of Santa Clara owned sites at a cost not to exceed \$200,000 per site, subject to the future appropriation of funds for such construction; and
- (b) Authorizing the Director of Environmental Services to include the four Santa Clara sites, plus any sites for which funds are appropriated in the future, in contract(s) awarded pursuant to the group bid process previously approved by Council.

CEQA: Resolution No. 64667. (Environmental Services)

Resolution No. 70840 adopted.

7 ENVIRONMENTAL & UTILITY SERVICES

7.2 Approval of various actions related to the purchase methane gas at below market rates for natural gas.

Recommendation:

- (a) Adoption of a resolution authorizing the City Manager to execute an agreement for a fifteen year term with Gas Recovery Systems, Inc. (GRS) for the purchase and delivery of landfill methane gas at below market rates from Browning Ferris Industries Newby Island site to the San José/Santa Clara Water Pollution Control Plant.

Resolution No. 70841 adopted.

- (b) Adoption of the following appropriation ordinance amendment in the Treatment Plant Capital Fund (512):

(1) Establish a Reserve for Gas Recovery Systems, Inc. in the amount of \$2,300,000.

(2) Decrease the Ending Fund Balance in the amount of \$2,300,000.

CEQA: ND. (Environmental Services/City Manager's Office)

Ordinance No. 26576 adopted.

8 AVIATION SERVICES

8.1 Approval of actions related to security services at the Airport.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with National Security Industries for security services at Norman Y. Mineta San José International Airport, increasing the amount of funds from \$570,000 authorized under a previous service order, by an additional amount of \$1,125,000, not to exceed a total amount of \$1,695,000, and extending the period of services from March 31, 2002 to June 30, 2002. (General Services/Airport)

Resolution No. 70842 adopted.

8.2 Approval of actions related to on-demand taxicab concession at the Airport.

Recommendation: Acceptance of a report regarding the award alternatives for the on-demand taxicab concession at the Airport and direction to the City Manager regarding the execution of the pending Airport Taxicab Concession Agreements.

(City Manager's Office)

Council accepted the report without any course of action taken.

Noes: Reed, prefer taxicab agreements for one year period.

9 PUBLIC SAFETY SERVICES

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

**REDEVELOPMENT AGENCY BOARD CONVENED AT 3:45 P.M. TO
CONSIDER ITEM 10.1 IN A JOINT SESSION WITH THE CITY COUNCIL.**

10.1 Approval of various actions related to the Current Community Development Block Grant Action Plan and submittal of a Section 108 loan application.

Recommendation:

- (a) Adoption of a resolution by the City Council:
- (1) Authorizing the submission of a Section 108 Loan application in the amount of \$13,000,000 to assist with the development of the Downtown Mixed-Use Development project; and,
 - (2) Authorizing the submission of an amended FY 2001-02 Annual Action Plan to HUD to include a parking structure project with funding assistance from a Brownfields Economic Development Initiative (BEDI) grant in the amount of \$2,000,000, and a Section 108 Loan in the amount of \$13,000,000.

Resolution No. 70843 adopted.

- (b) Approval of a Cooperation Agreement between the City of San José and the Redevelopment Agency by the City Council and Agency Board regarding the repayment obligations and the administration of the HUD 108 loan and the BEDI funds.

(Agency Executive Director/City Manager's Office)

Approved.

REDEVELOPMENT AGENCY BOARD ADJOURNED AT 3:50 P.M.

- **Closed Session Report**
- **Notice of City Engineer's Pending Decision on Final Maps**
In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:
None.

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:
None.

- Forum
 - (1) **Gabriel Black, Organizing Director, *Our New Earth – Together We Are O.N.E.* – invited the City Council to attend the September 12-14, 2003 event in Downtown San José.**
 - (2) **Amar Santiago representing API Caucus of the State of California Democratic Party; Corazon Tomalinas; Tediocarm Miranda, President, Filipino Club at San José State University; Sam Quema; and Ben Menor, President & CEO, Northside Community Center addressed the City Council on the repeal of legislation resulting in displacement of Airport Workers, and in support of the opportunity for the WIA Network to assist the displaced workers. Mayor Gonzales advised the speakers that the issue of Airport Security Screeners has been referred to the Rules Committee for appropriate handling.**

Following Open Forum the City Council recessed at 4:00 p.m. and reconvened at 7:00 p.m., Council Chambers, City Hall.

11 PUBLIC HEARINGS

11.1 Public Hearing on a street renaming.

Recommendation: PUBLIC HEARING ON STREET RENAMING of a proposed frontage road running parallel to the east of State Highway 87, between the northerly line of West Hedding Street and southerly line of Coleman Avenue to Guadalupe Road. CEQA: Exempt. Historical Landmarks Commission recommends renaming to El Pueblo Viejo. Director of Planning, Building and Code Enforcement and Planning Commission recommends renaming to Guadalupe Parkway Frontage Road (7-0-0).

District 3

(Continued from 12/4/01 – Item 11.1 et al., and 2/5/02 – Item 11.1)

Continued to 03/19/02.

11.2 Public Hearing on appeal of the Planning Commission's decision to approve a conditional use permit amendment.

Recommendation: PUBLIC HEARING ON APPEAL of the Planning Commission's decision to conditionally approve a Conditional Use Permit Amendment for a project located at the northwest corner of Saratoga Avenue and Moorpark Avenue, on 1.0 gross acre site in the CN Commercial Neighborhood Zoning District, for restoration of approved areas of landscaping that were illegally eliminated from the subject site. (Ray and Dan Perusina, Owners/Developers). CEQA: Exempt.

CPA 98-02-015 - District 1

Continued to 03/19/02.

11.3 Public Hearing on planned development rezoning at North First, Taylor, Miller, and Asbury Streets.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located on the block bounded by North First, Taylor, Miller, and Asbury Streets, from R-2 Residence and CG Commercial Zoning District to A(PD) Planned Development Zoning District, to allow up to 400 attached residential units and 7,000 square feet of commercial uses on 2.8 gross acres. (Barry Swenson Builder, Owner/Developer). CEQA: Negative Declaration.

PDC 00-09-086 - District 3

(Continued 12/4/01 – Item 11.6 et al., and 2/5/02 – Item 11.2)

Continued to 03/19/02.

11 PUBLIC HEARINGS

11.4 Public Hearing on planned development rezoning at the southeast corner of Bascom Avenue and Camden Avenue.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the southeast corner of Bascom Avenue and Camden Avenue, from CP Commercial Pedestrian District to A(PD) Planned Development Zoning District, to allow the addition of a car wash facility to an existing gas station on 0.519 gross acre (Chevron Products Co., Owner/Developer). CEQA: Mitigated Negative Declaration.

PDC 01-03-036 - District 9

(Continued from 2/5/02 – Item 11.5)

Continued to 04/16/02.

11.5 Public Hearing on planned development rezoning at Payne and San Tomas Aquino Road.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the south side of Payne Avenue, approximately 250 feet westerly of San Tomas Aquino Road, from R-M Residence Zoning District to A(PD) Planned Development Zoning District, to allow up to three single-family attached residential units on 0.19 gross acre. (Rob Berkeland and Todd Zeman, Owner/Developers). Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1) CEQA: Exempt.

PDC 01-09-087 - District 1

Ordinance No. 26477 passed for publication.

11.6 Public Hearing on adoption of an urgency ordinance on planned development rezoning at Highway 237 and Zanker Road.

Recommendation: PUBLIC HEARING ON ADOPTION OF AN URGENCY ORDINANCE ON PLANNED DEVELOPMENT REZONING of the property located at the northeast corner of Highway 237 and Zanker Road, from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to allow a 15,000 square feet, 180 Megawatt energy facility, in addition to previously approved 2.2 million square feet of telecommunication equipment facility on 174 gross acres. (Calpine Corporation, Cilker, US Dataport, City of San José, Owner; Calpine Corporation, Developer). Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1). CEQA: Resolution No. 70259 and California Energy Commission Staff Assessment. Additional CEQA Resolution to be adopted.

PDCSH 01-09-088 - District 4

Ordinance No. 26579 passed for publication. Noes: LeZotte.

CEQA Resolution No. 70844 adopted. Noes: LeZotte.

This item continued on the next page.

11 PUBLIC HEARINGS

11.6 Public Hearing on adoption of an urgency ordinance on planned development rezoning at Highway 237 and Zanker Road. – (Cont'd.)

Council (1) approved the Statement of Overriding Considerations for the U.S. Dataport/LECEF Project; (2) adopted the resolution certifying the California Energy Commission Staff Assessment and Dataport EIR and making the appropriate findings; (3) approved the rezoning as recommended in the staff report; (4) directed Staff to return promptly with traditional easements for roads and utilities; and (5) encouraged PG&E to utilize the buffer lands rather than the Calpine lands for its substation. Noes: LeZotte.

11.7 Public Hearing on planned development rezoning at Evans Lane, Almaden Expressway, and Route 87.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the east side of Evans Lane, at the terminus of Almaden Expressway and Route 87, from LI Light Industrial to A(PD) Planned Development Zoning District, to allow up to 240 multi-family attached residential units on a 6.21 gross acre site. (Sal Rubino, Michael Filice, Carol Filice, Peter Dana, Owners; Mark Lazzarini, Community Home Builders, Developer). Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1) CEQA: Mitigated Negative Declaration.
PDCSH 01-10-096 - District 6

Ordinance No. 26578 passed for publication.

- Open Forum

- Adjournment

The Council of the City of San José adjourned at 7:40 p.m. in memory of Dr. David Zlotnick who with his wife were a doctor-nurse team that traveled with Interplast, a Mountain View organization that arranges reconstructive surgery for children of other countries who have cleft lips or palates or burns.